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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,413	10/02/2000	Eduardo J. Baralt	T-5858	4378
75	90 01/29/2003		•	
Rodney B Carroll			EXAMINER	
	arkway Suite 330		NGUYEN, TAM M	
Plano, TX 750	24	•	ART UNIT	PAPER NUMBER
			1764	1/
			DATE MAILED: 01/29/2003	10

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
•	09/678,413	BARALT ET AL.				
Office Action Summary	Examiner	Art Unit				
	Tam M. Nguyen	1764				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address P riod for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period who is a failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	6(a). In no event, however, may a reply be to within the statutory minimum of thirty (30) da ill apply and will expire SIX (6) MONTHS fror cause the application to become ABANDON	mely filed ys will be considered timely. n the mailing date of this communication. ED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 11/2	<u>1/02</u> .					
2a) This action is FINAL . 2b) ⊠ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	Ex parte Quayle, 1935 C.D. 11,	455 O.G. 215.				
4)⊠ Claim(s) <u>10-18</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-18</u> is/are rejected.						
7) Claim(s) is/are objected to.	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔼 Notice of Informal	ry (PTO-413) Paper No(s) Patent Application (PTO-152)				

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DETAILED ACTION

Response to Amendment

The rejection of claims 10-18 under 35 USC § 103 over Cupples et al. (4,045,507) is withdrawn by the examiner in view of the response filed on November 21, 2002.

A new non-final rejection follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-73023405.

The JP reference discloses an oligomerization process of an alphaolefinic feedstock (e.g., 1-decene) to produce polyalphaolefins by reacting the feedstock with a boro trifluoride catalyst in the presence of co-catalyst of alcohol and carboxylic acid (e.g., acetic acid). The catalyst is used in a catalytic amount of about 13 weight percent of the 1-olefin. The process is operated a temperature from 20 to 70° C. (See abstract)

The JP reference does not specifically disclose the amount of carboxylic acid in the range of from 0.08-2 or 0.16 to 0.35 mole % based on the alpha-olefin. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of the JP reference by using the claimed amount of carboxylic acid because one of skill in the art would use any amount of carboxylic acid (including the claimed amount) and it would be expected that any amount of carboxylic acid would give similar results in the process of the JP process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam M. Nguyen whose telephone number is (703) 305-7715. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on 703 308 4311. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tam M. Nguyen Examiner Art Unit 1764

Tam Nguyen/ TN January 25, 2003

Walter D. Griffin Primary Examiner